

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims**

Claims 1-18. (Cancelled)

Claim 19 (new): An isolated promoter capable of driving and/or regulating expression, comprising:

- (a) an isolated nucleic acid as given in any one of SEQ ID NO 1 to 22 or the complement of any one of SEQ ID NO 1 to 22; or
- (b) an isolated nucleic acid having at least 90% sequence identity with any of the DNA sequences as given in any one of SEQ ID NO 1 to 22; or
- (c) an isolated nucleic acid specifically hybridizing under stringent conditions with any of the DNA sequences as given in any one of SEQ ID NO 1 to 22; or
- (d) an isolated nucleic acid as defined in any one of (a) to (c), which is interrupted by an intervening sequence; or
- (e) a fragment of any of the nucleic acids as defined in (a) to (d), which fragment is capable of driving and/or regulating expression.

Claim 20 (new): The promoter according to claim 19, which is a hybrid promoter comprising at least one part of a promoter as defined in claim 19 and further comprising another part of a promoter.

Claim 21 (new): A genetic construct comprising:

- (a) an isolated promoter as defined in claim 19; and
- (b) a heterologous nucleic acid sequence operably linked to said promoter of (a); and optionally
- (c) a 3' transcription terminator.

Claim 22 (new): An expression cassette comprising a genetic construct as defined in claim 21.

Claim 23 (new): A transformation vector comprising a genetic construct as defined in claim 21.

Claim 24 (new): An expression vector comprising a genetic construct as defined in claim 21.

Claim 25 (new): A host cell comprising an isolated promoter as defined in claim 19.

Claim 26 (new): A genetic construct as defined in claim 21.

Claim 27 (new): An expression cassette as defined in claim 22.

Claim 28 (new): A transformation vector as defined in claim 23.

Claim 29 (new): An expression vector as defined in claim 24.

Claim 30 (new): The host cell according to claim 25, selected from the group consisting of a bacteria, algae, fungi, yeast, plant, insect and animal host cell.

Claim 31 (new): A transgenic plant cell comprising an isolated promoter as defined in claim 19.

Claim 32 (new): A genetic construct as defined in claim 21.

Claim 33 (new): An expression cassette as defined in claim 22.

Claim 34 (new): A transformation vector as defined in claim 23.

Claim 35 (new): An expression vector as defined in claim 24.

Claim 36 (new): The transgenic plant cell according to claim 31, which is a monocot plant cell.

Claim 37 (new): The transgenic plant cell according to claim 31, which is a dicot plant cell.

Claim 38 (new): A transgenic plant comprising a transgenic plant cell as defined in claim 31.

Claim 39 (new): The transgenic plant according to claim 38, wherein said plant is selected from the group consisting of rice, maize, wheat, barley, millet, oats, rye, sorghum, soybean, sunflower, canola, sugarcane, alfalfa, bean, pea, flax, lupinus, rapeseed, tobacco, tomato, potato, squash, papaya, poplar and cotton.

Claim 40 (new): A plant part as defined in claim 39.

Claim 41 (new): The plant part as defined in claim 40, selected from the group consisting of a harvestable part, a propagule and progeny of the plant.

Claim 42 (new): A method for driving and/or regulating expression of a nucleic acid in a plant or plant cell, comprising:

- (a) operably linking said nucleic acid to any one of the isolated nucleic acids as defined in claim 19, and
- (b) introducing the resultant genetic construct into a plant or plant cell.

Claim 43 (new): The method according to claim 42, wherein said expression is constitutive or tissue-specific.

Claim 44 (new): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an isolated promoter as defined in claim 19, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 45 (new): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell a genetic construct as defined in claim 21, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 46 (new): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an expression cassette as defined in claim 22, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 47 (new): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell a transformation vector as defined in claim 23, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 48 (new): A method for the production of a transgenic plant, comprising:

- (a) introducing into a plant cell an expression vector as defined in claim 24, and
- (b) cultivating said plant cell under conditions promoting plant growth.

Claim 49 (new): A method for driving and/or regulating expression of an operably linked nucleic acid comprising using any of the isolated nucleic acids as defined in claim 19.